

Response in Application: 10/600,209

Attorney Docket: 42P16126

Remarks

The referenced patent application has been reviewed in light of the referenced Office Action.

In the Claims, claims 1-24 are pending in the referenced application. Claims 1-24 stand rejected. There are no amendments to the claims.

Claims 1-24 are rejected under 35 USC 102(e) as anticipated by Bork et al., U.S. Patent 6,954,657 (Bork).

To support a claim rejection based on anticipation, each and every element of the rejected claim must be disclosed or fairly suggested by the prior art reference.

Claim 1 includes an element related to gathering user context information from one or more sources, reciting claim 1 in pertinent part. According to the Action, this element of claim 1 is anticipated by Bork where Bork refers to adjusting alert signals based on the "operating environment" and further because Bork refers to a "terminal" sampling noise levels surrounding the terminal. In general, Bork allegedly discloses a device sampling or sensing physical features of its operating environment.

A device or terminal however is clearly distinct from a user as in Applicant's claim. Any disclosure allegedly relating to detecting or sensing a device environment therefore cannot fairly anticipate gathering user context information as in Applicant's claim. Therefore, for at least this reason, the rejection of claim 1 as anticipated by Bork cannot stand. Because the rejections of all claims dependent on claim 1 viz. claims 2-9, rely on the rejection of claim 1, those rejections cannot stand for at least this reason and should be withdrawn.

The same element is present in all the other independent claims of the application, viz. claims 10 and 17. Therefore the rejections of those claims and their dependent claims, viz.

2/28/2007

8 of 11

Response in Application: 10/600,209

Attorney Docket: 42P16126

claims 11-16 and claims 18-24 respectively as anticipated by Bork also cannot stand for at least this reason and should be withdrawn.

Therefore all claims pending in the application, i.e. 1-24 are allowable and should be allowed.

Response in Application: 10/600,209

Attorney Docket: 42P16126

The Examiner is welcome to contact the Attorney of Record, Sanjay S. Gadkari (Reg. No. 55,796) at 503 264 4348 to discuss any matters with the case. The Commissioner is hereby authorized to charge any fees in connection with this communication to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 28, 2007

/Sanjay S. Gadkari/

Sanjay S. Gadkari
Reg. No. 55,796

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(503) 684-6200